

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NETTI HERAWATI,

Plaintiff,

vs.

BELLAGIO, LLC,

Defendants.

Case No.: 2:22-cv-02091-GMN-DJA

ORDER

On January 12, 2023, the Court ordered Defendant Bellagio, LLC (“Defendant”) to show cause as to why the Court should not strike its Motion to Dismiss, (ECF No. 9), for failure to properly serve it to Plaintiff Netti Herawati (“Plaintiff”). (*See* Order Show Cause, ECF No. 11). On January 13, 2023, Defendant filed a Response, (ECF No. 12), to the Court’s Order, stating that it served Plaintiff’s counsel via the Court’s CM/ECF system, as well as via United States First Class Mail and Certified Mail. (Resp. OSC 2:2-10, ECF No. 12). Defendant also filed a Declaration, with exhibits, from its counsel confirming the same. (Decl. Kathleen M. Tinnerello ¶¶ 5-7, ECF No. 113). Exhibit 1 is a photograph of the receipts for mailing the Motion to Dismiss via certified mail and return receipt through the United States Postal Service. (Receipts Photograph, Ex. 1 to Decl. at 7, ECF No. 13). The date of the receipt and mailing address match the filing date and Plaintiff’s counsel’s mailing address, respectively. (*See id.*). The Court is satisfied with Defendant’s Response indicating Plaintiff has been properly served with the Motion to Dismiss. *See* Fed. R. Civ. P. 4(l)(3) (“Failure to prove service does not affect the validity of service. The court may permit proof of service to be amended.”).

With that said, under Local Rule 7-2(d), “[t]he failure of an opposing party to file points

1 and authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion
2 for attorney's fees, constitutes a consent to the granting of the motion." *See* LR 7-2(d). Plaintiff
3 has not filed a response to the Motion to Dismiss, and the deadline to do so has passed. (*See*
4 Min. Order, ECF No. 9) (setting a January 6, 2023, deadline to file a response). Therefore,
5 pursuant to this District's Local Rule 7-2(d), because Plaintiff has not filed a response, the
6 Court GRANTS the Motion to Dismiss.

7 Accordingly,

8 **IT IS HEREBY ORDERED** that the Court's Order to Show Cause, (ECF No. 11), is
9 **SATISFIED.**

10 **IT IS FURTHER ORDERED** that Defendant's Motion to Dismiss, (ECF No. 9), is
11 **GRANTED.**

12 **IT IS FURTHER ORDERED** that Plaintiff's Complaint, (ECF No. 1-1), is
13 **DISMISSED without prejudice.**

14 **IT IS FURTHER ORDERED** that the Clerk is instructed to close the case and enter
15 judgment accordingly.

16 Dated this 13 day of January, 2023.

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20 Gloria M. Navarro, District Judge
21 United States District Court
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